

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-CR-219-1-BO
NO. 5:12-CV-82-BO

UNITED STATES OF AMERICA

v.

CHRISTOPHER DON GRAY

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ORDER

This cause comes before the court following a hearing before the undersigned on January 17, 2014, at Raleigh, North Carolina to consider defendant's motion for reduction in sentence pursuant to 18 U.S.C. § 3582(c). At the hearing it was determined that defendant is not entitled to relief under 18 U.S.C. § 3582(c).


However, the Federal Public Defender present notified the Court that defendant may be entitled to relief in light of *United States v. Dorsey*, 132 S. Ct. 2321 (2012). For this reason, counsel requested that defendant's motion to vacate pursuant to 28 U.S.C. § 2255, which this Court had previously construed as a motion pursuant to 18 U.S.C. § 3582(c), be reinstated and that counsel be appointed to assist defendant with his claim. The government did not oppose.

Accordingly, defendant's motion pursuant to 28 U.S.C. § 2255 filed on February 21, 2012 [DE 114] is hereby REINSTATED. As defendant has previously demonstrated indigency, the Office of the Federal Public Defender is APPOINTED to assist defendant with his motion to vacate, set aside, or correct sentence. 18 U.S.C. § 3006A.

Defendant is DIRECTED to file an amended motion or memorandum in support of his motion to vacate within thirty (30) days of the date of entry of this order. The government shall

thereafter have twenty-one (21) days within which to respond.

SO ORDERED, this the 17 day of January, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE